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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15 UNITED STATES OF AMERICA, ) No. CR 07 00804 VRW  
16 Plaintiff, )  
17 v. )  
18 Hesham Badawi, )  
19 Defendant. )  
20 [PROPOSED] ORDER AND  
21 STIPULATION FOR CONTINUANCE  
22 FROM DECEMBER 27, 2007 TO  
23 JANUARY 10, 2008 AND EXCLUDING  
24 TIME FROM THE SPEEDY TRIAL ACT  
25 CALCULATION ( 18 U.S.C. §§  
26 3161(h)(8)(A),(h)(8)(B)(iv))  
27  
28 With the agreement of the parties, and with the consent of the defendant, the Court enters  
this order continuing a change of plea or trial setting appearance before the district court from  
December 27, 2007 to January 10, 2008 at 1:30 P.M. before the Honorable Vaughn R. Walker,  
and documenting the defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. §§  
3161(h)(8)(A),(h)(8)(B)(iv) during that period. The parties agree, and the Court finds and holds,  
as follows:  
1. The defendants agree to an exclusion of time under the Speedy Trial Act. Failure to  
grant the requested continuance would unreasonably deny the defendant or the Government  
continuity of counsel.  
a. Defendant contemplates entering a plea of guilty at his first appearance before  
the district court and continuity of representation would be essential to accomplish

FILED  
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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

this.

b. The respective unavailability of defendant's attorney and government counsel during the period from December 27, 2007 until January 10, 2008 predicates the parties request for a brief continuance of less than two weeks.

2. Given these circumstances, the Court finds that the ends of justice served by excluding the period from December 27, 2007 to January 10, 2008, outweigh the best interest of the public and the defendant in a speedy trial. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court orders that the period from December 27, 2007 to January 10, 2008 be excluded from Speedy Trial Act calculations under 18 U.S.C. §§ 3161(h)(8)(A),(h)(8)(B)(iv).

**IT IS SO STIPULATED:**

DATED: December 21, 2007

Michael F. Ihm

**MICHAEL THORMAN, ESQ.**  
Attorney for Defendant Badawi

DATED: December 21, 2007

*On a case*  
BLAKE D. STAMM  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 12/2/01

~~HON. MARIA-ELENA JAMES  
United States Magistrate Judge~~